

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-4080 (For: Governor's Office)

has been copied/added to the drafting file for

2013 LRB-4257 (For: Rep/Sen ...)

Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 02/12/2014 (Per: TKK)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: 1/23/2014 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Governor 2667-3672 By/Representing: Jon Hoelter
May Contact: Drafter: tkuczens
Subject: Education - state superintendent Addl. Drafters:
Extra Copies: pg, flk

Submit via email: YES
Requester's email: jon.hoelter@wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Model Academic Standards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 1/23/2014						
/P1	tkuczens 1/26/2014	kfollett 1/27/2014	jmurphy 1/23/2014		sbasford 1/23/2014		
/P2	tkuczens 1/28/2014	kfollett 1/29/2014	jmurphy 1/29/2014		sbasford 1/27/2014		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	tkuczens 2/2/2014	kfollett 2/3/2014		_____	lparisi 1/29/2014		
/P4	tkuczens 2/6/2014	kfollett 2/6/2014	rschluet 2/3/2014	_____	srose 2/3/2014		
/1			jmurphy 2/6/2014	_____	sbasford 2/6/2014	sbasford 2/7/2014	

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		1/15/16 2/6	1/15/16 2/6	jm 2/6			

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Handwritten notes: 1P4kf 2/3, 1P4kf 2/3, 23148

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/P3

lparisi

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	1/23/2014						

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FE Sent For:

1/27 1/27 Rs 1
27
<END>

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/? tkuczens

1/23	1/15F	1/15F	1/23
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FE Sent For:

<END>

Kuczenski, Tracy

From: Koschnick, Katherine E - GOV <Katherine.Koschnick@wisconsin.gov>
Sent: Thursday, January 23, 2014 12:21 PM
To: Hoelter, Jon - GOV; Kuczenski, Tracy
Subject: RE: Email from LRB Website

Hi Tracy,

I would suggest largely copying the JCRAR procedure language used for permanent rules, laid out in 227.19(5)(b)(d)(e)(f)(g) and (6), as modified below.

5. 227.19(4)(d) - revises that
JCRAR and standing
committee can
object

In (5)(b) the language should be tweaked to account for the fact that the standards are coming to JCRAR from DPI, not from a standing committee. I have underlined the incorrect language. Minor tweaking may still be needed to make it make sense.

In (5)(d) I would delete the language I have underlined, to eliminate the language that will be irrelevant.

Also, every time the term "an agency" is used, I would substitute "the Department of Public Instruction."

There are two places where I have highlighted language that Jon is deciding whether to leave in or take out. This does not include the highlighting in the first paragraph—I couldn't figure out how to take that off.

Let me know if you need further help with this, I'd be happy to discuss in more detail.

(b) Joint committee review period.

227.19(5)(b)1.1. Except as provided in subd. 1m., the review period for the joint committee for review of administrative rules extends for 30 days after the last referral of a proposed rule and any objection to that committee, and during that review period that committee may take any action on the proposed rule in whole or in part permitted under this subsection. The joint committee for review of administrative rules shall meet and take action in executive session during that period with respect to any proposed rule or any part of a proposed rule to which a committee has objected and may meet and take action in executive session during that period with respect to any proposed rule or any part of a proposed rule to which no committee has objected, except that if the cochairpersons take either of the following actions within the 30-day period, the joint committee review period is continued for 30 days from the date on which the first 30-day review period would have expired:

227.19(5)(b)1.a. a. Request in writing that the agency meet with the joint committee for review of administrative rules to review the proposed rule.

227.19(5)(b)1.b. b. Publish or post notice that the joint committee for review of administrative rules will hold a meeting or hearing to review the proposed rule and immediately send a copy of the notice to the agency.

227.19(5)(b)1m. 1m. If a notice and report received under sub. (2) after the last day of the legislature's final general-business floorperiod as specified in sub. (2) is referred for review by the joint committee for review of administrative rules before the first day of the next regular session of the legislature, the review period for the joint committee for review of administrative rules extends to the day specified under s. 13.02(1) for the next legislature to convene. During that review period, the joint committee for review of administrative rules may meet and take action in executive session and may take any action on the proposed rule in whole or in part permitted under this subsection. If the joint committee for review of administrative rules meets in executive session with respect to a proposed rule or part of a proposed rule to which a committee has objected, that joint committee shall take action as permitted under this subsection with respect to the committee's objection.

227.19(5)(b)2. 2. If the joint committee for review of administrative rules, by a majority vote of a quorum of the committee, requests modifications in a proposed rule, and the agency, in writing, agrees to consider making modifications, the review period for the joint committee is extended either to the 10th working day following receipt by the joint committee of the modified proposed rule or a written statement to the joint committee that the agency will not make the modifications or to the expiration of the review period under subd. 1. or, if applicable, subd. 1m., whichever is later. There

is no limit either on the number of modification agreements that may be entered into or on the time within which modifications may be made.

227.19(5)(b)4. **4.** If the joint committee for review of administrative rules has not concluded its jurisdiction over a proposed rule or a part of a proposed rule before the day specified under s. 13.02 (1) for the next legislature to convene, that jurisdiction immediately ceases and, within 10 working days after that date, the presiding officer of the appropriate house shall refer the proposed rule or part of the proposed rule to the joint committee for review of administrative rules of the next legislature. If a committee review period is interrupted by the loss of jurisdiction under this subdivision, a new committee review period as provided in subd. 1. shall begin for the joint committee for review of administrative rules to which the proposed rule or part of the proposed rule is referred under this subdivision beginning on the date of referral under this subdivision.

227.19(5)(d) (d) *Joint committee action.* The joint committee for review of administrative rules may nonconcur in a committee's objection to a proposed rule or a part of a proposed rule, concur in a committee's approval of a proposed rule or a part of a proposed rule, otherwise approve a proposed rule or a part of a proposed rule, or waive its jurisdiction over a proposed rule or a part of a proposed rule by voting to nonconcur, concur, or approve, or to waive its jurisdiction, during the applicable review period under par. (b). Except as provided in par. (dm), if the joint committee for review of administrative rules objects to a proposed rule or a part of a proposed rule, an agency may not promulgate the proposed rule or part of the proposed rule objected to until a bill introduced under par. (e) fails to be enacted. The joint committee for review of administrative rules may object to a proposed rule or a part of a proposed rule only for e or more of the reasons specified under 227.19 (4) (d). [THINKING ABOUT WHETHER TO DELETE]

227.19(5)(e) (e) *Bills to prevent promulgation.* When the joint committee for review of administrative rules objects to a proposed rule or a part of a proposed rule under par. (d) it shall, within 30 days of the date of the objection, meet and take executive action regarding the introduction, in each house of the legislature, of a bill to support the objection. The joint committee shall introduce the bills within 5 working days after taking executive action in favor of introduction of the bills unless the bills cannot be introduced during this time period under the joint rules of the legislature.

227.19(5)(f) (f) *Timely introduction of bills; effect.* If both bills required under par. (e) are defeated, or fail to be enacted in any other manner, the agency may promulgate the proposed rule or part of the proposed rule that was objected to. If either bill becomes law, the agency may not promulgate the proposed rule or part of the proposed rule that was objected to unless a subsequent law specifically authorizes its promulgation. This paragraph applies to bills introduced on or after the day specified under s. 13.02 (1) for the legislature to convene and before February 1 of an even-numbered year.

227.19(5)(g) (g) *Introduction of bills in next session; effect.* If the bills required under par. (e) are introduced on or after February 1 of an even-numbered year and before the next regular session of the legislature commences, as provided under s. 13.02 (2), or if the bills cannot be introduced during this time period under the joint rules of the legislature, the joint committee for review of administrative rules shall introduce the bills on the first day of the next regular session of the legislature, unless either house adversely disposes of either bill. If the joint committee for review of administrative rules is required to introduce the bills, the agency may not promulgate the proposed rule or part of the proposed rule to which the bills pertain except as provided in par. (f). If either house adversely disposes of either bill, the agency may promulgate the proposed rule or part of the proposed rule that was objected to. In this paragraph, "adversely disposes of" means that one house has voted in one of the following ways:

227.19(5)(g)1. **1.** To indefinitely postpone the bill.

227.19(5)(g)2. **2.** To nonconcur in the bill.

227.19(5)(g)3. **3.** Against ordering the bill engrossed.

227.19(5)(g)4. **4.** Against ordering the bill to a 3rd reading.

227.19(5)(g)5. **5.** Against passage.

227.19(5)(g)6. **6.** Against concurrence.

227.19(6) (6) **PROMULGATION PREVENTION OR AUTHORIZATION PROCEDURE.**

227.19(6)(a)(a) The legislature may not consider a bill required or permitted under sub. (5) (e) or (em) until the joint committee for review of administrative rules has submitted a written report on the bill. The report shall be printed as an appendix to each bill and shall contain:

227.19(6)(a)1. **1.** An explanation of the issue involving the proposed rule or part of the proposed rule objected to and the factual situation out of which the issue arose.

227.19(6)(a)2. 2. Arguments presented for and against the proposed rule at the executive session held under sub. (5) (b).

227.19(6)(a)3. 3. A statement of the action taken by the joint committee for review of administrative rules regarding the proposed rule.

227.19(6)(a)4. 4. A statement and analysis of the grounds upon which the joint committee for review of administrative rules relies for objecting to the proposed rule or part of the proposed rule.

227.19(6)(b) (b) Upon introduction of the bills under sub. (5), the presiding officer of each house of the legislature shall refer the bill introduced in that house to the appropriate committee, to the calendar scheduling committee or directly to the calendar. If the committee to which a bill is referred makes no report within 30 days after referral, the bill shall be considered reported without recommendation. No later than 40 days after referral, or as soon thereafter as is possible if the legislature is not in a floorperiod 40 days after referral, the bills shall be placed on the calendar of each house of the legislature according to its rule governing the placement of proposals on the calendar. A bill introduced under this section which is received in the 2nd house shall be referred, reported and placed on the calendar in the same manner as an original bill introduced under this section.

[THINKING ABOUT WHETHER TO DELETE THE YELLOW]

Katie Koschnick | Deputy Legal Counsel | Office of Governor Scott Walker
608-264-6329

From: Hoelter, Jon - GOV
Sent: Thursday, January 23, 2014 10:44 AM
To: Koschnick, Katherine E - GOV
Subject: FW: Email from LRB Website

From: Kuczenski, Tracy [<mailto:Tracy.Kuczenski@legis.wisconsin.gov>]
Sent: Thursday, January 23, 2014 10:37 AM
To: Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Jon -- I think this process sounds fine but have a couple of questions:

1. Since these are not going through the ch. 227 rule-making process, I don't believe it is appropriate to call them "rules". I will refer to them as model academic standards but require that the standards go through the process you outline.
2. What happens if, under your item 3., the JCRAR requests modifications or objects to the standards?
3. Your item 4. says the final "rule" shall be permanent. But you also indicated that revisions are required. So I assume you don't really mean permanent?
4. Is it your intent that revisions to the "rule" would go through the same process you outline?

Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hoelter, Jon - GOV [<mailto:Jon.Hoelter@wisconsin.gov>]
Sent: Thursday, January 23, 2014 10:04 AM
To: Kuczenski, Tracy
Subject: RE: Email from LRB Website

Please change point 3 to:

Within 30 days of the board making recommendations, the Superintendent of DPI shall submit consider the board's recommendations and submit a rule for implementing new or revised model academic standards.

<Then, instead of following the emergency rule process, we want the process to follow this timeline>

1. The rule shall go to the Legislative Council Clearinghouse which shall have 20 days to review and issue comments to DPI.
2. The DPI shall have 10 days to respond to clearinghouse comments, after which, the rule shall go to the JCRAR.
3. The JCRAR shall have 30 days to approve, request modifications, or object.
4. The final rule shall be permanent.

From: Kuczenski, Tracy [<mailto:Tracy.Kuczenski@legis.wisconsin.gov>]

Sent: Thursday, January 23, 2014 7:50 AM

To: Hoelter, Jon - GOV

Subject: RE: Email from LRB Website

Hi Jon –

I will prepare a draft for you this morning and if I have any questions I'll give you a call.

Thanks,
Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hoelter, Jon - GOV [<mailto:Jon.Hoelter@wisconsin.gov>]

Sent: Wednesday, January 22, 2014 8:16 PM

To: Kuczenski, Tracy

Cc: Hurlburt, Waylon - GOV

Subject: Email from LRB Website

Hi Tracy,

Per my voicemail, here's what we're looking for in our bill draft.

1. Create a commission, with 13 members, to review and revise model academic standards. The commission shall consist of
 - a. Chaired by 4 the Superintendent of DPI, who shall also have 3 appointments: 1 principal, 1 school board member, and 1 professor from the University of Wisconsin.
 - b. 5 appointments by the Governor: 1 public school teacher, 1 choice school teacher, 1 superintendent, 1 parent, 1 expert in instructional curriculum.
 - c. 4 appointments by the Legislature: 1 from the Senate Majority Leader, 1 from the Senate Minority Leader, 1 from the Assembly Speaker, and 1 from the Assembly Minority Leader
2. Within 1 year after passage of this law, the commission shall make recommendations on model academic standards in the areas of English Language Arts (including Reading), Mathematics (including Advanced Mathematics), Science, and Social Studies.

- a. The commission shall appoint a subcommittee to review and revise standards in each subject area. The subcommittee shall exist of 2 specialists in the subject area of the standards they are reviewing: 1 appointed by the Superintendent of DPI, who will chair the subcommittee, and 1 appointed by the Governor. The other 5 members shall be members of the larger commission.
- b. The commission shall review and make recommendations to revise these standards every 6 years.
3. Within 30 days of the commission making recommendations, the Superintendent of DPI shall submit consider the commissions recommendations and submit a rule for implementing new or revised model academic standards. (We basically want to follow the emergency rule timeline, where the rule then goes to JCRAR for review and JCRAR may object, request modification, or approve).
4. The commission may meet to revise and align academic standards in: fine arts, health, world languages, career and technical education, and other content areas as determined by need. The same process as above shall be used for considering and implementing new rules reflecting these other content areas.

Jon Hoelter
Senior Policy Advisor
Office of Governor Scott Walker
115 East State Capitol
jon.hoelter@wisconsin.gov
608-266-1212

Kuczenski, Tracy

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Sent: Thursday, January 23, 2014 10:04 AM
To: Kuczenski, Tracy
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Please change point 3 to:

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<Then, instead of following the emergency rule process, we want the process to follow this timeline>

1. The rule shall go to the Legislative Council Clearinghouse which shall have 20 days to review and issue comments to DPI.
 2. The DPI shall have 10 days to respond to clearinghouse comments, after which, the rule shall go to the JCRAR.
 3. The JCRAR shall have 30 days to approve, request modifications, or object. ← what happens if object or request modifications
 4. The final rule shall be permanent.
- (→ not an emergency rule/doesn't expire)

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Thursday, January 23, 2014 7:50 AM
To: Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

• if request made, then follow rule making process emergency

Hi Jon –

I will prepare a draft for you this morning and if I have any questions I'll give you a call.

Thanks,
Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
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joint committee for review of administrative rules under 13.54

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- c. 4 appointments by the Legislature: 1 from the Senate Majority Leader, 1 from the Senate Minority Leader, 1 from the Assembly Speaker, and 1 from the Assembly Minority Leader
- 2. Within 1 year after passage of this law, the commission shall make recommendations on model academic standards in the areas of English Language Arts (including Reading), Mathematics (including Advanced Mathematics), Science, and Social Studies.
 - a. The commission shall appoint a subcommittee to review and revise standards in each subject area. The subcommittee shall exist of 2 specialists in the subject area of the standards they are reviewing: 1 appointed by the Superintendent of DPI, who will chair the subcommittee, and 1 appointed by the Governor. The other 5 members shall be members of the larger commission.
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- 4. The commission may meet to revise and align academic standards in: fine arts, health, world languages, career and technical education, and other content areas as determined by need. The same process as above shall be used for considering and implementing new rules reflecting these other content areas.

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 Senior Policy Advisor
 Office of Governor Scott Walker
 115 East State Capitol
jon.hoelter@wisconsin.gov
 608-266-1212

267-3672

Not included in 2017?

• Use same process for revision? Yes

• Add to definition of rule the rule created under ch. 118?

• ^{must} are model rules be adopted by S.B. 100? (No)

Kuczenski, Tracy

From: Hoelter, Jon - GOV <Jon.Hoelter@wisconsin.gov>
Sent: Wednesday, January 22, 2014 8:16 PM
To: Kuczenski, Tracy
Cc: Hurlburt, Waylon - GOV
Subject: Email from LRB Website

Hi Tracy,

Per my voicemail, here's what we're looking for in our bill draft.

- board attached to DPI* *staggered 3-yr terms*
1. Create a commission, with 13 members, to review and revise model academic standards. The commission shall consist of
 - a. Chaired by 4 the Superintendent of DPI, who shall also have 3 appointments: 1 principal, 1 school board member, and 1 professor from the University of Wisconsin.
 - b. 5 appointments by the Governor: 1 public school teacher, 1 choice school teacher, 1 superintendent, 1 parent, 1 expert in instructional curriculum.
 - c. 4 appointments by the Legislature: 1 from the Senate Majority Leader, 1 from the Senate Minority Leader, 1 from the Assembly Speaker, and 1 from the Assembly Minority Leader
 2. Within 1 year after passage of this law, the commission shall make recommendations on model academic standards in the areas of English Language Arts (including Reading), Mathematics (including Advanced Mathematics), Science, and Social Studies.
 - a. The commission shall appoint a subcommittee to review and revise standards in each subject area. The subcommittee shall exist of 2 specialists in the subject area of the standards they are reviewing: 1 appointed by the Superintendent of DPI, who will chair the subcommittee, and 1 appointed by the Governor. The other 5 members shall be members of the larger commission.
 - b. The commission shall review and make recommendations to revise these standards every 6 years.
 3. Within 30 days of the commission making recommendations, the Superintendent of DPI shall submit consider the commissions recommendations and submit a rule for implementing new or revised model academic standards. (We basically want to follow the emergency rule timeline, where the rule then goes to JCRAR for review and JCRAR may object, request modification, or approve).
 4. The commission may meet to revise and align academic standards in: fine arts, health, world languages, career and technical education, and other content areas as determined by need. The same process as above shall be used for considering and implementing new rules reflecting these other content areas.

Jon Hoelter
Senior Policy Advisor
Office of Governor Scott Walker
115 East State Capitol
jon.hoelter@wisconsin.gov
608-266-1212



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-40802-PI

TKK:...

5f

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/23/14

TODAY

Gen

1 AN ACT ...; **relating to:** creating a model academic standards board.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.07 (2) (fm) of the statutes[✓] is created to read:

3 15.07 (2) (fm) The state superintendent of public instruction or his or her
4 designated representative shall serve as chairperson of the model academic
5 standards board. /

6 SECTION 2. 15.375 (1) of the statutes is created to read:

7 15.375 (1) MODEL ACADEMIC STANDARDS BOARD. There is created a model
8 academic standards board, attached to the department of public instruction under
9 s. 15.03, to make recommendations for and to review and revise model academic

1 standards, ^{the board} ~~and consisting~~ of the following members appointed for staggered 3-year
2 terms:

3 (a) The state superintendent of public instruction, or his or her designee, who
4 shall appoint the following 3 members:

5 1. One school principal.

6 2. One member of a school board.

7 3. One professor employed with the University of Wisconsin System.

8 (b) The following 5 members appointed by the governor:

9 1. One teacher employed by a public school.

10 2. One teacher employed by a private school participating in the program under
11 s. 118.60 or 119.23.

12 3. One superintendent of a school district.

13 4. One individual who is a parent of a pupil enrolled in a public school.

14 5. One individual with professional training and expertise in the development
15 of instructional curriculum.

16 (c) One member appointed by the senate majority leader.

17 (d) One member appointed by the senate minority leader.

18 (e) One member appointed by the speaker of the assembly.

19 (f) One member appointed by the assembly minority leader.

20 **SECTION 3.** 118.301 of the statutes is created to read:

21 **118.301 Model academic standards.** (1) (a) No later than 12 months after
22 the effective date of this paragraph [LRB inserts date], the model academic
23 standards board, through a subcommittee established under sub. (3), shall submit
24 to the state superintendent recommended model academic standards in the
25 following subject areas:

1 1. English.

2 2. Reading and language arts.

3 3. Mathematics and advanced mathematics.

4 4. Science.

5 5. Social studies.

6 (b) 1. Within 30 days after receiving the recommended model academic
7 standards under par. (a), the state superintendent shall, taking into consideration
8 the recommendations of the model academic standards board, submit the proposed
9 model academic standards in the subject areas identified under par. (a) 1. to 5. to
10 legislative council staff for review and comment.

11 2. Within 20 days after receiving the proposed model academic standards under
12 subd. 1., legislative council staff shall submit, in writing, comments concerning the
13 standards to the state superintendent.

14 3. Within 10 days after receiving comments from legislative council staff under
15 subd. 2., the state superintendent shall submit any response to the comments,
16 together with the proposed model academic standards, to the joint committee for the
17 review of administrative rules.

18 4. Within 30 days after receiving the proposed model academic standards under
19 subd. 3., the joint committee for the review of administrative rules shall either
20 approve or reject the model academic standards or request that the state
21 superintendent make modifications to the model academic standards. The state
22 superintendent shall adopt as final and the model academic standards approved under
23 this subdivision.

24 5. a. If the joint committee for the review of administrative rules requests
25 modifications to the model academic standards submitted under subd. 3., the state

1 superintendent and the joint committee for review of administrative rules shall
2 follow the procedures outlined in s. 227.19 (5) (b) 2.

3 b. If the joint committee for the review of administrative rules requests
4 modifications to the model academic standards submitted under subd. 3., the joint
5 committee for review of administrative rules shall proceed under s. 227.19 (5) (e) to
6 (g) and (6), and the state superintendent may not adopt the proposed model academic
7 standards until a bill introduced under s. 227.19 (5) (e) fails to be enacted.

8 (2) (a) The model academic standards board may submit to the state
9 superintendent recommended model academic standards in the following subject
10 areas:

11 1. Fine arts.

12 2. Health.

13 3. World languages.

14 4. Career and technical education.

15 5. Other subject areas identified by the board as warranting standardization.

16 (b) The state superintendent shall initiate the procedure under sub. (1) (b) for
17 the review, consideration, and adoption of any model academic standards submitted
18 under par. (a).

19 (3) (a) The model academic standards board shall appoint subject-specific
20 subcommittees to review, make recommendations, and propose revisions to the
21 model academic standards required under this section. Each subcommittee shall
22 consist of the following members:

23 1. Two individuals with professional training and expertise in the particular
24 subject matter of the academic standard^s subcommittee on which the individual
25 serves. One of the members identified under this subdivision shall be appointed by

1 the state superintendent and shall serve as the chairperson of the subcommittee.
2 The other member identified under this subdivision shall be appointed by the
3 governor.

4 2. Five individuals who serve on the model academic standards board.

5 (b) The model academic standards board, through the subcommittees
6 established under par. (a), shall review and make recommendations for the updating
7 of the model academic standards required to be adopted under sub. (1) and any model
8 academic standards permitted and adopted under sub. (2) at least once every 6 years.

9 **SECTION 4. Nonstatutory provisions.**

10 (1) Notwithstanding section 15.375 (1) of the statutes, as created by this act,
11 the initial members appointed to the model academic standards board under section
12 15.375 (1) of the statutes, as created by this act, shall be appointed as follows:

13 (a) ~~Two~~ ^{One} member ~~appointed~~ under section 15.375 (1) (a) of the statutes, as created by this
14 act, shall be appointed for a term expiring on May 1, 2015, and 2 members shall be
15 appointed for a term expiring on May 1, 2016.

16 (b) Two members under section 15.375 (1) (b) of the statutes, as created by this
17 act, shall be appointed for a term expiring on May 1, 2015, 2 members shall be
18 appointed for a term expiring on May 1, 2016, and one member shall be appointed
19 for a term expiring on May 1, 2017.

20 (c) The member under section 15.375 (1) (c) of the statutes, as created by this
21 act, shall be appointed for a term expiring on May 1, 2018.

22 (d) The member under section 15.375 (1) (d) of the statutes, as created by this
23 act, shall be appointed for a term expiring on May 1, 2017.

24 (e) The member under section 15.375 (1) (e) of the statutes, as created by this
25 act, shall be appointed for a term expiring on May 1, 2016.

SECTION 4

1 (f) The member under section 15.375 (1) (f) of the statutes, as created by this
2 act, shall be appointed for a term expiring on May 1, 2015.

3 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

LRB - 4080/P1

January 24, 2014

T. message from Katie Koschnick -

* with respect to the procedure under s. 118.30(1)(b) 5.b., modify the process established under s. 227.19(6)(b) by eliminating the highlighted step noted on her email (language beginning with "the presiding officer of each house..." and ending with "... Floor period 40 days after referral...")

January 28, 2014

Per Jan -

1. IF Board does not propose academic stds for physical subject areas and DPI does, DPI does not need to proceed with the modified JCAR process (the answer 4-star note on p. 7 of /P2 draft.)

* ok to amend 118.30(1g)(a)1. to permit but not require ~~DPI~~ ~~state~~ school boards to adopt any new standards

2. Also, remain silent on timing by which stds. must be aligned with examination

3. See additional notes/questions on email from Jan dated 1/28

Kuczenski, Tracy

From: Koschnick, Katherine E - GOV <Katherine.Koschnick@wisconsin.gov>
Sent: Friday, January 24, 2014 4:06 PM
To: Kuczenski, Tracy
Cc: Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Hi Tracy,

✓ I'm sorry about that, that must have been a typo. It should be 227.15(1m) and (2). I would reference these in 118.301(2). I can help you figure out the wording if you would like.

Thank you!

Katie Koschnick | Deputy Legal Counsel | Office of Governor Scott Walker
608-264-6329

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Friday, January 24, 2014 3:13 PM
To: Koschnick, Katherine E - GOV
Cc: Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Hi Katie –

Two quick issues:

1. The statute you cited regarding legislative council staff review (227.15 (6), Public Liaison) doesn't seem to do what you indicate. Could you double check your cross reference?
2. At what part of the bill draft would you like me to make the cross reference?

Thank you!

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Koschnick, Katherine E - GOV [mailto:Katherine.Koschnick@wisconsin.gov]
Sent: Friday, January 24, 2014 12:19 PM
To: Kuczenski, Tracy; Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Great, thank you.

Also, we are going to take out the "or reject" from 118. 301(4), so that JCRAR must either approve or request modifications, and only if the modification process fails, then go the "objection" route. This is consistent with my changes in my last email as well.

Another point- in the legislative council staff review, let's reference 227.15(6)(1)[publish to Clearinghouse website], (2)[option to extend review and criteria for leg council review].

No other pages
xc

Kuczenski, Tracy

From: Hoelter, Jon - GOV <Jon.Hoelter@wisconsin.gov>
Sent: Friday, January 24, 2014 3:22 PM
To: Kuczenski, Tracy; Koschnick, Katherine E - DSPS; Polzin, Cindy M - GOV
Subject: RE: Email from LRB Website

Hi Tracy,

I have a couple more slight modifications

- ✓ 1. Can we add some language (where you believe it would be appropriate) to the effect of
 - a. "The standards shall not be so specific that they dictate local curricula, but should give students, parents, teachers, and local policy makers clear, high expectations for what students should know and be able to do at each grade level. Further, the State of Wisconsin has the sole authority to adopt model academic standards, and shall oppose any efforts by the federal government to coerce states or local school boards to adopt any specific set of academic standards.
- ✓ 2. For the board makeup, we would like to change it so that one of the Governor's appointments is a co-chair with the Superintendent of DPI.
- ✓ 3. For the subcommittee makeup: we would like to specify that of the 5 appointments outside the 2 subject matter experts, 3 shall be the Governor's board appointees and 2 shall be DPI board appointees.

Hope that makes sense. Let me know if you have any questions.

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Friday, January 24, 2014 12:21 PM
To: Koschnick, Katherine E - GOV; Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Okay.

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867


From: Koschnick, Katherine E - GOV [mailto:Katherine.Koschnick@wisconsin.gov]
Sent: Friday, January 24, 2014 12:19 PM
To: Kuczenski, Tracy; Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Great, thank you.

Also, we are going to take out the "or reject" from 118. 301(4), so that JCRAR must either approve or request modifications, and only if the modification process fails, then go the "objection" route. This is consistent with my changes in my last email as well.

Another point- in the legislative council staff review, let's reference 227.15(6)(1)[publish to Clearinghouse website], (2)[option to extend review and criteria for leg council review].

Thank you!

No pages after this 

Kuczenski, Tracy

From: Koschnick, Katherine E - GOV <Katherine.Koschnick@wisconsin.gov>
Sent: Friday, January 24, 2014 12:19 PM
To: Kuczenski, Tracy; Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Great, thank you.

✓ Also, we are going to take out the "or reject" from 118.301(4), so that JCRAR must either approve or request modifications, and only if the modification process fails, then go the "objection" route. This is consistent with my changes in my last email as well.

o/k Another point- in the legislative council staff review, let's reference 227.15(6)(1)[publish to Clearinghouse website], (2)[option to extend review and criteria for leg council review].

Thank you!

Katie Koschnick | Deputy Legal Counsel | Office of Governor Scott Walker
608-264-6329

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Friday, January 24, 2014 12:09 PM
To: Koschnick, Katherine E - GOV; Hoelter, Jon - GOV
Cc: Polzin, Cindy M - GOV
Subject: RE: Email from LRB Website

Oops! Thanks for catching that (looks like I failed to completely modify my cut-and-paste from 5.a.)!

I have taken care of the highlighted issue by incorporating some of the language from 227.19 (6) (g) into s. 118.301.

Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Koschnick, Katherine E - GOV [mailto:Katherine.Koschnick@wisconsin.gov]
Sent: Friday, January 24, 2014 12:03 PM
To: Hoelter, Jon - GOV; Kuczenski, Tracy
Cc: Polzin, Cindy M - GOV
Subject: RE: Email from LRB Website

Hello,

Here are my technical changes:

(5)(b) should read: "if the joint committee for review of administrative rules objects to the model standards after following the modification procedure outlined in (5)(a) the joint committee for review of administrative rules shall proceed under s. 227.19(5)€-(g) and (6)(a) [Tracy-remember we are modifying 6b, I don't know how you want to work

that], and the state superintendent may not adopt the proposed model academic standards until a bill introduced under s. 227.19(5)(e) fails to be enacted within the timeframes specified in s. 227.19(5)(e) and (f).

Thanks!

Katie Koschnick | Deputy Legal Counsel | Office of Governor Scott Walker
608-264-6329

From: Hoelter, Jon - GOV
Sent: Friday, January 24, 2014 11:53 AM
To: Kuczenski, Tracy - LEGIS
Cc: Koschnick, Katherine E - GOV; Polzin, Cindy M - GOV
Subject: RE: Email from LRB Website

Hi Tracy, here are some more revisions. It's possible a few things could change but I think it would be good to start implementing some of the changes. I've highlighted changes from our earlier draft and listed them below. Katie may have some more technical changes as well. Can you give us another preliminary draft after you make these changes?

Basically, the changes are

1. We add a point about authorizing the full board to create subcommittees. (We may end up deleting point 2(a) which details how the subcommittee shall be created and just allow the full board to decide).
2. Rather than doing all subjects at once, we do English/Math 1 year, and then Science/Social Studies later.
3. We explicitly state that State tests and standards shall be aligned.
4. We add a point (3.) that if the Superintendent fails to act within a given amount of time, the standards go directly to JCRAR.
5. We explicitly state the DPI cannot come up with model standards for the 4 subject areas, by any other means than this.
6. (6.) we allow DPI to change other standards on their own if the board has not made any recommendations.

Draft - Model Academic Standards Proposal

1. Create a board, with 13 members, to review and revise model academic standards. The board shall consist of
 - a. Chaired by the Superintendent of DPI, who shall also have 3 appointments: 1 principal, 1 school board member, and 1 professor from an institution of higher education.
 - b. 5 appointments by the Governor: 1 public school teacher, 1 choice school teacher, 1 superintendent, 1 parent, 1 expert in instructional curriculum.
 - c. 4 appointments by the Legislature: 1 from the Senate Majority Leader, 1 from the Senate Minority Leader, 1 from the Assembly Speaker, and 1 from the Assembly Minority Leader
 - d. The board is authorized to create subcommittees in each of the 4 main subject areas (listed below)
2. Within 1 year after passage of this law, the board shall make recommendations on model academic standards in the areas of English Language Arts (including Reading) and Mathematics (including Advanced Mathematics). Within 3 years after passage, the board shall make recommendations on Science, and Social Studies.
 - a. The board shall appoint a subcommittee to review and revise standards in each subject area. The subcommittee shall exist of 2 specialists in the subject area of the standards they are reviewing: 1 appointed by the Superintendent of DPI, who will chair the subcommittee, and 1 appointed by the Governor. The other 5 members shall be members of the larger board.
 - b. The board shall review and make recommendations to revise these standards every 6 years.
 - c. Any tests Wisconsin students take as required by state and federal laws shall be aligned to these state-developed model academic standards.
3. Within 30 days of the board making recommendations, the Superintendent of DPI shall consider the board's recommendations and submit new or revised model academic standards to the legislature (using a modified JCRAR process).

No pager after this
JC

2 of 2

Kuczenski, Tracy

From: Hoelter, Jon - GOV <Jon.Hoelter@wisconsin.gov>
Sent: Friday, January 24, 2014 11:53 AM
To: Kuczenski, Tracy
Cc: Koschnick, Katherine E - DSPS; Polzin, Cindy M - GOV
Subject: RE: Email from LRB Website

Hi Tracy, here are some more revisions. It's possible a few things could change but I think it would be good to start implementing some of the changes. I've highlighted changes from our earlier draft and listed them below. Katie may have some more technical changes as well. Can you give us another preliminary draft after you make these changes?

Basically, the changes are

- ✓ 1. We add a point about authorizing the full board to create subcommittees. (We may end up deleting point 2(a) which details how the subcommittee shall be created and just allow the full board to decide).
- ✓ 2. Rather than doing all subjects at once, we do English/Math 1 year, and then Science/Social Studies later.
- ✓ 3. We explicitly state that State tests and standards shall be aligned.
- ✓ 4. We add a point (3.) that if the Superintendent fails to act within a given amount of time, the standards go directly to JCRAR.
- ✓ 5. We explicitly state the DPI cannot come up with model standards for the 4 subject areas, by any other means than this. * repeal s. 118.30(1g)? (No)
- ✓ 6. (6.) we allow DPI to change other standards on their own if the board has not made any recommendations.

Draft - Model Academic Standards Proposal

1. Create a board, with 13 members, to review and revise model academic standards. The board shall consist of
 - a. Chaired by the Superintendent of DPI, who shall also have 3 appointments: 1 principal, 1 school board member, and 1 professor from an institution of higher education.
 - b. 5 appointments by the Governor: 1 public school teacher, 1 choice school teacher, 1 superintendent, 1 parent, 1 expert in instructional curriculum.
 - c. 4 appointments by the Legislature: 1 from the Senate Majority Leader, 1 from the Senate Minority Leader, 1 from the Assembly Speaker, and 1 from the Assembly Minority Leader
 - d. The board is authorized to create subcommittees in each of the 4 main subject areas (listed below)
2. Within 1 year after passage of this law, the board shall make recommendations on model academic standards in the areas of English Language Arts (including Reading) and Mathematics (including Advanced Mathematics). Within 3 years after passage, the board shall make recommendations on Science, and Social Studies.
 - a. The board shall appoint a subcommittee to review and revise standards in each subject area. The subcommittee shall exist of 2 specialists in the subject area of the standards they are reviewing: 1 appointed by the Superintendent of DPI, who will chair the subcommittee, and 1 appointed by the Governor. The other 5 members shall be members of the larger board.
 - b. The board shall review and make recommendations to revise these standards every 6 years.
 - c. Any tests Wisconsin students take as required by state and federal laws shall be aligned to these state-developed model academic standards.
3. Within 30 days of the board making recommendations, the Superintendent of DPI shall consider the board's recommendations and submit new or revised model academic standards to the legislature (using a modified JCRAR process).
 - a. The Superintendent may request one 30 day extension if more time is needed to review the standards. If after this time has expired, no standards have been submitted. The board's recommendations shall go directly to the JCRAR.
4. The following is the timeline for standards that have either been submitted by the Superintendent or the board.
 - a. The standards shall go to the Legislative Council Clearinghouse which shall have 20 days to review and issue comments to DPI.

- b. The DPI shall have 10 days to respond to clearinghouse comments, after which, the standards shall go to the JCRAR.
 - c. The JCRAR shall have 30 days to approve, request modifications, or object.
 - d. If the JCRAR objects, new bills would be sent to each house of the legislature.
5. The above process shall be the only way the DPI shall develop the standards areas of Math, English Language Arts, Science, and Social Studies.
6. The board may meet to revise and align academic standards in: fine arts, health, world languages, career and technical education, and other content areas as determined by need. The same process as above shall be used for considering and implementing new rules reflecting these other content areas. Absent the board making recommendations in these areas, the DPI may develop and revise standards outside the 4 main subject areas on their own.

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Friday, January 24, 2014 8:45 AM
To: Koschnick, Katherine E - GOV; Hoelter, Jon - GOV
Subject: RE: Email from LRB Website

Hi Katie –

Thanks for your message yesterday; at the time you called, I had already left for the day and the bill was in editing.

Your instructions make sense and I will incorporate that change in the next iteration of the draft.

Jon should have received a preliminary draft of the bill (LRB-4080) late yesterday afternoon (around 4:40). I will wait to hear from him to be sure that no other changes to the bill will be necessary before submitting an introducible draft (with an analysis) to editing.

Thank you,
Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Koschnick, Katherine E - GOV [mailto:Katherine.Koschnick@wisconsin.gov]
Sent: Thursday, January 23, 2014 12:21 PM
To: Hoelter, Jon - GOV; Kuczenski, Tracy
Subject: RE: Email from LRB Website

Hi Tracy,

I would suggest largely copying the JCRAR procedure language used for permanent rules, laid out in 227.19(5)(b)(d)(e)(f)(g) and (6), as modified below.

In (5)(b) the language should be tweaked to account for the fact that the standards are coming to JCRAR from DPI, not from a standing committee. I have underlined the incorrect language. Minor tweaking may still be needed to make it make sense.

In (5)(d) I would delete the language I have underlined, to eliminate the language that will be irrelevant.

Two pages after this
JK



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4080/P1

TKK:kjf:jm

insert
d-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 1/26/14
wanted ASAP 1/27/14

Regen

- 1 AN ACT *to create* 15.07 (2) (fm), 15.375 (1) and 118.301 of the statutes; relating
2 to: creating a ^{can} model academic standards board.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 15.07 (2) (fm) of the statutes is created to read:

- 4 15.07 (2) (fm) The state superintendent of public instruction or his or her
(5) designated representative ^{can} shall serve as ³ chairperson of the ² model academic
6 standards board. ^{and one individual appointed under S. 15.375(1)(a)2c}

- 7 SECTION 2. 15.375 (1) of the statutes is created to read:

- (8) 15.375 (1) ² MODEL ⁼ ACADEMIC STANDARDS BOARD. ^(a) There is created ^{an} a ² model
9 academic standards board, attached to the department of public instruction under

1 s. 15.03, to make recommendations for and to review and revise model academic
2 standards. The board consists of the following members appointed for staggered
3 3-year terms:

4 1. ~~e~~ (a) The state superintendent of public instruction, or his or her designee, who
5 shall appoint the following 3 members:

6 a. ~~e~~ (1) One school principal.

7 b. ~~e~~ (2) One member of a school board.

8 c. ~~e~~ (3) One professor employed with the University of Wisconsin System.

9 2. ~~e~~ (b) The following 5 members appointed by the governor:

10 a. ~~e~~ (1) One teacher employed by a public school.

11 b. ~~e~~ (2) One teacher employed by a private school participating in the program under
12 s. 118.60 or 119.23.

13 c. ~~e~~ (3) One superintendent of a school district.

14 d. ~~e~~ (4) One individual who is a parent of a pupil enrolled in a public school.

15 e. ~~e~~ (5) One individual with professional training and expertise in the development
16 of instructional curriculum.

17 3. ~~e~~ (c) One member appointed by the senate majority leader.

18 4. ~~e~~ (d) One member appointed by the senate minority leader.

19 5. ~~e~~ (e) One member appointed by the speaker of the assembly.

20 6. ~~e~~ (f) One member appointed by the assembly minority leader.

21 SECTION 3. 118.301 of the statutes is created to read:

22 118.301 Model academic standards. (1) (a) No later than 12 months after

23 the effective date of this paragraph [LRB inserts date], the ~~model~~ academic

24 standards board, through a subcommittee established under ~~sub. (3)~~, shall submit

Insert 2-21

5015.375(1)(b)

and to the legislative council staff

(1) to the state superintendent/~~recommended~~ model academic standards in the
2 following subject areas:

- (3) 1. English[^]
(4) (2) Reading and language arts.
(5) 2. (3) Mathematics and advanced mathematics.

- (6) 4. Science.
(7) 5. Social studies.

(8) (b) 1. Within 30 days after receiving the recommended model academic
9 standards under par. (a), the state superintendent shall, taking into consideration
(10) the recommendations of the model academic standards board, submit the proposed
(11) model academic standards in the subject areas identified under par. (a) 1. to 5 ^{and 20} to
(12) legislative council staff for review and comment. Insert 3-12

13 2. Within 20 days after receiving ~~the proposed~~ model academic standards under
(14) subd. 1., legislative council staff shall submit, in writing, comments concerning the
(15) standards to the state superintendent. Insert 3-14
Insert 3-15

16 3. Within 10 days after receiving comments from legislative council staff under
17 subd. 2., the state superintendent shall submit any response to the comments,
(18) together with the proposed model academic standards, to the joint committee for the
19 review of administrative rules.

20 4. Within 30 days after receiving the proposed model academic standards under
21 subd. 3., the joint committee for review of administrative rules shall either approve
(22) or reject the model academic standards or request that the state superintendent
23 make modifications to the model academic standards. The state superintendent
24 shall adopt as final the model academic standards approved under this subdivision.

1 5. a. If the joint committee for ^ethe review of administrative rules requests
2 modifications to the model academic standards submitted under subd. 3., the state
3 superintendent and the joint committee for review of administrative rules shall
4 follow the procedures outlined in s. 227.19 (5) (b) 2.

5 b. If the joint committee for review of administrative rules ^{objects} requests
6 ^emodifications to the model academic standards submitted under subd. 3., the joint
7 committee for review of administrative rules shall proceed under s. 227.19 (5) (e) to
8 (g) and (6), ^{Insert 4-8} and the state superintendent may not adopt the proposed model academic
9 standards until a bill introduced under s. 227.19 (5) (e) fails to be enacted.

10 ^{(3) (b)} (2) (a) The ^emodel academic standards board may submit to the state
11 superintendent recommended ^emodel academic standards in the following subject
12 areas:

- 13 1. Fine arts.
- 14 2. Health.
- 15 3. World languages.
- 16 4. Career and technical education.
- 17 5. Other subject areas identified by the board as warranting standardization.

18 (b) The state superintendent shall initiate the procedure under sub. (1) (b) for
19 the review, consideration, and adoption of any ^emodel academic standards submitted
20 under par. (a). ^{Insert 4-20}

21 ^(b) ^e(3) (a) The ^emodel academic standards board shall appoint subject-specific
22 subcommittees to review, make recommendations for, and propose revisions to the
23 model academic standards required under ^{5-118.301 (1) and (2)} this section. Each subcommittee shall
24 consist of the following members:

Insert 4-10

move to p. 2, ln. 21

Moved to p. 2,
in 21 (cont)

1 Two individuals with professional training and expertise in the particular
2 subject matter of the academic standards subcommittee on which the individual
3 serves. One of the members identified under this subdivision shall be appointed by
4 the state superintendent and shall serve as the chairperson of the subcommittee.
5 The other member identified under this subdivision shall be appointed by the
6 governor.

The following

Insert
5-8

7 2. Five individuals who serve on the model academic standards board.

8 (b) The model academic standards board, through the subcommittees
9 established under par. (a), shall review and make recommendations for the updating
10 of the model academic standards required to be adopted under sub. (1) and any model
11 academic standards permitted and adopted under sub. (2) at least once every 6 years.

SECTION 4. Nonstatutory provisions.

13 (1) Notwithstanding section 15.375 (1) of the statutes, as created by this act,
14 the initial members appointed to the model academic standards board under section
15 15.375 (1) of the statutes, as created by this act, shall be appointed as follows:

16 (a) One member appointed under section 15.375 (1) (a) of the statutes, as
17 created by this act, shall be appointed for a term expiring on May 1, 2015, and 2
18 members shall be appointed for a term expiring on May 1, 2016.

19 (b) Two members under section 15.375 (1) (b) of the statutes, as created by this
20 act, shall be appointed for a term expiring on May 1, 2015, 2 members shall be
21 appointed for a term expiring on May 1, 2016, and one member shall be appointed
22 for a term expiring on May 1, 2017.

23 (c) The member under section 15.375 (1) (c) of the statutes, as created by this
24 act, shall be appointed for a term expiring on May 1, 2018.

⊙ If 20 Two individuals appointed under par (a) 10
⊙ If 20 Three individuals appointed under par (a) 20

- (1) (d) The member under section 15.375 (1) ^{✓ (a) 4.} (d) of the statutes, as created by this
2 act, shall be appointed for a term expiring on May 1, 2017.
- (3) (e) The member under section 15.375 (1) ^{✓ (a) 5.} (e) of the statutes, as created by this
4 act, shall be appointed for a term expiring on May 1, 2016.
- (5) (f) The member under section 15.375 (1) ^{✓ (a) 6.} (f) of the statutes, as created by this
6 act, shall be appointed for a term expiring on May 1, 2015.

7

(END)

D-Note

LRB-4080/P1ins
TKK:kjf:jm

3 118.30 (1) The state superintendent shall adopt or approve examinations
4 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, 9th,
5 10th, and 11th grades. The examinations adopted or approved to measure pupil
6 attainment of knowledge and concepts in English, reading, and language arts;
7 mathematics and advanced mathematics; science; and social studies shall be aligned
8 with the standards adopted under s. 118.301 (1) and (2).

5 *****NOTE:** Do you want to qualify the extent to which the standards and examination must be aligned by using language such as “to the extent practicable” or something along those lines?

****NOTE: Do you want to specify by what date (year) the standards and the examinations must be aligned?

9 The state superintendent may request from the legislative council staff one
10 30-day extension to complete his or her review of the academic standards submitted
11 by the board under par. (a). If, within 60 days after the date on which the academic
12 standards board submitted the standards under par. (a), the legislative council staff
13 has not received the proposed model academic standards required under this
14 subdivision, the legislative council staff shall forward the academic standards
15 submitted by the board directly to the joint committee for the review of
16 administrative rules, which joint committee shall proceed as directed under subd. 4.

17 ^{ns} ~~the~~ review the proposed model academic standards in the manner established
18 under s. 227.15 (2), and shall

INSERT 3-15

1 ~~not~~ The legislative council staff shall include a link to the proposed model academic
2 standards on the Internet site maintained as required under s. 227.15 (1m), together
3 with the information required under that subsection.

INSERT 4-8

4 ~~not~~ except that upon the introduction of the bills under s. 227.19 (5), the presiding
5 officer of each house of the legislature shall not refer the bills to the appropriate
6 committee ~~of in~~ that house as directed under s. 227.19 (6) (b), but shall place the bill
7 introduced in that house on the calendar of that house according to its rule governing
8 the placement of proposals on the calendar. The

INSERT 4-10

9 (c) The model academic standards adopted under this subsection shall be
10 aligned with the examinations administered in these subject areas under s. 118.30
11 (1). The state superintendent may not adopt model academic standards for the
12 subject areas under this subsection by any other means.

13 (2) (a) No later than 36 months after the effective date of this paragraph
14 [LRB inserts date], the ~~model~~ academic standards board, through a subcommittee
15 established under s. 15.375 (1) (b), shall submit to the state superintendent
16 recommended ~~model~~ academic standards in the following subject areas:

- 17 1. Science.
- 18 2. Social studies.

19 (b) The state superintendent shall initiate the procedure under sub. (1) (b) for
20 the review, consideration, and adoption of the model academic standards submitted
21 under par. (a).

- 1 (c) The model academic standards adopted under this subsection shall be
2 aligned with the examinations administered in these subject areas under s. 118.30
3 (1). The state superintendent may not adopt model academic standards for the
4 subject areas under this subsection by any other means.

INSERT 4-20

- 5 *no* If the academic standards board does not submit any recommended academic
6 standards for the subject areas identified under par. (a), the state superintendent
7 may develop and revise model academic standards for those subject areas.

****NOTE: It was not clear from your instructions whether, in the event that the board does not propose academic standards for these optional subject areas and DPI does so on its own, DPI would be required to proceed with the modified JCRAR process as required under sub. (1)(b). This draft does not directly address that point, so please let me know how you would like me to proceed.

INSERT 5-8

- 8 (4) The academic standards board, state superintendent, legislative council
9 staff, ~~and~~ *and* joint committee for the review of administrative rules shall, in preparing,
10 reviewing, modifying, and adopting the model academic standards required under
11 this section, do all of the following:

- 12 (a) Ensure that the *model* academic standards do not prescribe curricula to be adopted
13 by school boards.

- 14 (b) Ensure that the model academic standards establish, in a manner that is
15 clear to pupils, parents, and the general public, high expectations for the knowledge
16 and skills pupils must attain and master at each of the 12 grades. *don't believe*

is entirely
****NOTE: Your drafting instructions included the term, "local policy makers." I *found* this term *to be less than* clear. I substituted general public, which would include both "local policy makers" and others who would be expected to influence policy (such as chambers of commerce, civic groups, taxpayers, and local businesses). Okay?

****NOTE: Your drafting instructions requested that I include a statement to the effect of "The state of Wisconsin has the sole authority to adopt model academic standards and shall oppose any efforts by the federal government to coerce states or local school boards to adopt any specific set of academic standards." This is a policy statement. Generally, LRB policy discourages the use of policy statements unless there is a question about the constitutionality of the provision being addressed by the policy statement. For

that reason, I did not include this statement. Let me know if you wish to discuss this further. ✓

- 1 (c) Ensure that the model academic standards adopted under this subsection
2 are aligned with the examinations administered in these subject areas under s.
3 118.30 (1). The state superintendent may not adopt model academic standards for
4 the subject areas under this subsection by any other means. ✓ S

****NOTE: Do you want to modify (or repeal) s. 118.30 (1g), which requires school boards to adopt the academic standards and permits school board to adopt the standards adopted by DPI in 1998? ✓

X ****NOTE: Under s. 118.30 (1g), there are five subject areas: mathematics, science, reading and writing, geography, and history. I suspect social studies comprises the two subjects, geography and history? Do you want to reconcile this vocabulary in some way? ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4080/P1dn

TKK:kjf:jm

Date

Jon Hoelter:

In this draft, I distinguish between academic standards recommended by the Academic Standards Board and model academic standards adopted by the state superintendent. Does this distinction make sense? Or should all references to the academic standards be prefaced by the adjective, model?

Note that I have embedded several questions within the draft itself. I look forward to working with you on the next draft.

Tracy K. Kuczenski
Senior Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4080/P2dn
TKK:kjf:jf

January 27, 2014

Jon Hoelter:

In this draft, I distinguish between academic standards recommended by the Academic Standards Board and model academic standards adopted by the state superintendent. Does this distinction make sense? Or should all references to the academic standards be prefaced by the adjective, model?

Note that I have embedded several questions within the draft itself. I look forward to working with you on the next draft.

Tracy K. Kuczenski
Senior Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Hoelter, Jon - GOV <Jon.Hoelter@wisconsin.gov>
Sent: Tuesday, January 28, 2014 8:47 AM
To: Kuczenski, Tracy
Cc: Polzin, Cindy M - GOV; Koschnick, Katherine E - DSPS
Subject: RE: Draft review: LRB -4080/P2 Topic: Model Academic Standards

Thanks Tracy, we do not intend to penalize a party for acting/not acting. We merely intend to clarify Wisconsin's authority in matters of education. We would prefer to have this appear at the front rather than be nonstatutory language at the back, so please check with Mr. Miller on how we may include it as a policy or intent statement.

Thanks,

Cleared w/ SRM

-Jon

From: Kuczenski, Tracy [<mailto:Tracy.Kuczenski@legis.wisconsin.gov>]
Sent: Monday, January 27, 2014 6:45 PM
To: Hoelter, Jon - GOV
Cc: Polzin, Cindy M - GOV; Koschnick, Katherine E - GOV
Subject: RE: Draft review: LRB -4080/P2 Topic: Model Academic Standards

Thanks, Jon. I'll work on this first thing tomorrow morning.

I do want to clarify your instructions about including what I characterized as a statement of policy in embedded note in the /P2 draft. Can you and/or Katie help me to better understand: is it your intent, by including this language, to be requiring some party to act or refrain from acting or to penalize a party who acts or refrains from acting? If so, I think we should talk about this a bit more so that I have a better understanding of how to draft the provision.

If, on the other hand, you do not intend to require some party to act or refrain from acting or to penalize a party who acts or refrains from acting, then I do believe that the proposed language seems to be a statement of intent or policy. If that is the case, I indicated that I will need to get authority from our Bureau Chief, Steve Miller, to include this language in the bill. If he permits me to include this language as a policy or intent statement, I could include it at the front of proposed s. 118.301 (as sub. (1), and renumber all the other subsections). Alternatively, I could include it as a non-statutory provision at the "back of the bill". A nonstatutory provision is law, but is not included in the printed statutes.

Please let me know your thoughts.

Thank you,
Tracy

From: Hoelter, Jon - GOV [Jon.Hoelter@wisconsin.gov]
Sent: Monday, January 27, 2014 5:34 PM
To: Kuczenski, Tracy
Cc: Polzin, Cindy M - GOV; Koschnick, Katherine E - DSPS
Subject: RE: Draft review: LRB -4080/P2 Topic: Model Academic Standards

Hi Tracy, here are a list of changes we would like from your P2 draft. I've highlighted the 3 points that Katie recommended from a rules/legal standpoint.

- ✓1. We would want all references to be "model" academic standards board. So please insert model in any places where there is only "academic standards board."
- ✓2. Page 2 line one – we would like to change it to "review and revise or replace" or something to that effect that specifies replacement is an option.

- ✓3. Page 2, line 7 (c.) – we're going to throw out the UW professor and have one appointment for the governor, which may require you to put that at the front of the governor's appointments and just eliminate point c.
- ✓4. Page 3, line 2 – instead of the Superintendent appointing the chair of subcommittees, we will have the governor also appoint a cochair (in the same way they do for the full board).
- ✓5. Page 3 lines 14-15 – I still need to check on DPI waiver language per your note.
- ✓6. Page 5, line 4, add "or object" after "make modifications." Also, regarding the following sentence about making the standards final (lines 4-5), Katie and I were wondering if there was a reason for placing that sentence there or if it would be better suited elsewhere. Maybe we should chat about that.
- ✱7. Page 5 line 10 – please add ", after requesting modifications," after "administrative rules" to spell it out that this only happens after they've tried to first make modifications.
- ✓8. Page 5 lines 15-18. Katie thinks this is fine. We're assuming this directs JCRAR to introduce bills with the clerk in each house that go directly to the rules committee for scheduling? (16) (modified this sub. (1)(b) S.B. 1003 w/ P3)

I think those are all the changes for now. We may also explore with reverting to the old way of doing all subjects at once but we will get back to you on that.

Thanks!

-Jon

After talking w/ Jon, I concurred; create new subdivision to make final any stds. approved under any procedure (JCRAR or otherwise)

From: LRB.Legal [mailto:lrblegal@legis.wisconsin.gov]

Sent: Monday, January 27, 2014 10:38 AM

To: Hoelter, Jon - GOV

Subject: Draft review: LRB -4080/P2 Topic: Model Academic Standards

Following is the PDF version of draft LRB -4080/P2 and drafter's note.

1/28 Questions for Jon:

- * On Item 3: the UW faculty member is appointed by ~~the~~ state super; reduce his/her number (from 3 → 2? No, make the person a professor of appointments from an institution of higher ed (not just UW) authority
- * On Item 4: ~~the draft~~ ^{refers} ~~the~~ ^{to} state super. to appoint a co-chair also? Yes; also p.2, line 14-15 replace with an individual appointed by the governor who serves as co-chair.
- * p. 3, ln. 3-4: if board does not submit standards ~~but~~ in the optional subject areas but state super. does adopt model academic standards, must board review them (under this way e.g.s subdivision?)

No. ~~But~~ If Bd doesn't make recommendations, the Bd doesn't get to review standards, but DPI may.